

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.1357 OF 2024

Kiran Kishor BagnaikApplicant
Versus
The State of Maharashtra & Anr. Respondents

Mr. Shailesh Kharat, Advocate for the Applicant.
Ms. Poonam P. Bhosale, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 07th MAY, 2024

P.C. :

1. This is the third time that the Applicant has approached this Court for his release on bail. On the second occasion in Criminal Bail Application No.1147/2022 which was decided on 6.12.2022 I had directed the trial Court to complete the trial within five months from that date.

2. Learned counsel for the Applicant submitted that except for recording of the evidence of the victim in October, 2023, there is no further progress in the trial. The Applicant is in custody since 4.10.2017. That period is quite long. The

trial Court must take necessary steps to conclude the trial as early as possible. The allegations are very serious. Therefore, the Court will have to strike a balance between the gravity of the offence and the long incarceration while deciding this Bail Application. For that purpose, it is necessary to call for the report from the trial Court as to why expeditious steps are not taken for concluding the trial. The investigating officer shall also file affidavit as to why the witnesses were not produced before the trial Court.

3. For the time being, the matter be listed on 20.6.2024. It is clarified that if no satisfactory explanation is forthcoming in this case then this Court will have to consider the Applicant's request for bail taking into account the period which he has undergone as an under trial prisoner. It is clarified that though the Application is adjourned today, the trial shall proceed expeditiously and preferably on day to day basis.

(SARANG V. KOTWAL, J.)

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